

FILED 17 MAR '25 10:30 AM DC-OR

PRESTON BERMAN
2600 Center St. NE
Salem, OR 97301-2669
Telephone: (503) 947-3764

Plaintiff, appearing Pro Se

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

PRESTON BERMAN,

Plaintiff,

v.

**PSYCHIATRIC SECURITY REVIEW BOARD;
ALISON BORT**, in her official capacity as
Executive Director of the Oregon Psychiatric
Security Review Board,

Defendants.

Case No: 6:24-cv-01127-MTK

DECLARATION OF PRESTON BERMAN
IN SUPPORT OF MOTION

I, Preston Berman, Plaintiff appearing pro se, hereby declare under penalty of perjury that the following statements are true and correct:

1. Attached as Exhibit A is a true and accurate copy of the expert testimony of Dr. James Peykanu from the Psychiatric Security Review Board (PSRB) hearing conducted on February 26, 2025.
2. Attached as Exhibit B is a true and accurate copy of the conditional release plan imposed by the PSRB following the February 26, 2025 hearing.

3. My bipolar disorder has been stable and well-managed since June 2022. I consistently take my prescribed medication and proactively manage my condition by avoiding known triggers.
4. During the February 26, 2025 hearing, Dr. James Peykanu provided expert testimony affirming my readiness and suitability for full discharge into the community.
5. Despite clear evidence demonstrating my readiness for community integration, the PSRB denied my discharge, imposing conditions that unnecessarily restrict my freedom and autonomy, causing significant emotional distress.
6. I have previously demonstrated successful community integration, compliance with treatment, and responsible management of my mental health condition during prior conditional releases, as supported by the record in this case.
7. My continued confinement at Oregon State Hospital severely diminishes my quality of life. The environment is sterile and isolating, lacking personalization opportunities, exacerbating my anxiety and depression, and undermining my recovery.
8. The restrictions imposed by the PSRB's conditional release plan, including financial oversight, curfew restrictions, and driving prohibitions, further compound my sense of isolation, diminish my quality of life, and deprive me of meaningful autonomy.
9. The denial of my jurisdictional discharge and continued confinement at Oregon State Hospital has led to irreparable harm, significantly worsening my mental health, exacerbating symptoms of anxiety and depression, and removing my access to essential social and emotional support networks.
10. Immediate relief from this Court is necessary to stop ongoing violations of my rights under Title II of the Americans with Disabilities Act and the Due Process Clause of the

Fourteenth Amendment, as the PSRB's decision relies on speculation and outdated assumptions, rather than current clinical evidence.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing statements are true and correct.

DATED: March 13, 2025.

Respectfully submitted,

s/ Preston Berman

PRESTON BERMAN

2600 Center St. NE

Salem, OR 97301-2669

Telephone: (503) 947-3764

Plaintiff, appearing Pro Se

CERTIFICATE OF SERVICE

I certify that on March 13, 2025, I served the foregoing DECLARATION OF PRESTON BERMAN IN SUPPORT OF MOTION upon the parties hereto by the method indicated below, and addressed to the following:

DAN RAYFIELD
Attorney General
JILL SCHNEIDER #001619
Senior Assistant Attorney General
JAMES M. AARON #132865
Assistant Attorney General
Department of Justice
100 SW Market Street
Portland, OR 97201
Telephone: (971) 673-1880
Fax: (971) 673-5000
Email: Jill.Schneider@doj.oregon.gov
Email: James.Aaron@doj.oregon.gov

Attorneys for Defendants

☐ HAND DELIVERY
☐ MAIL DELIVERY
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)
☒ E-MAIL
☐ E-SERVE

DATED: March 13, 2025.

Respectfully submitted,

s/ Preston Berman

PRESTON BERMAN
2600 Center St. NE
Salem, OR 97301-2669
Telephone: (503) 947-3764

Plaintiff, appearing Pro Se